

INTERESTING LAW POINT IS DECIDED

Corporation Commission Has No Jurisdiction in Elizabeth City Contest.

WRIT IN INJUNCTION CASE

Brief Filed for R. F. & P.—Incendiary Is Declared Insane.

Deciding that it has no jurisdiction in determining the public necessity for a right of way where a county desires to condemn the property of a public service corporation, the State Corporation Commission yesterday dismissed the petition of the county of Elizabeth City and its Board of Supervisors against the Newport News and Old Point Railway and Electric Company.

The point is an interesting one, and a unique situation arose from the county's desire to build a public road, which for a short distance would run on the right of way of the street railway company. It proposes to acquire the right by condemnation proceedings. In cases where one public service corporation desires to condemn the property of another, it is first necessary to present the matter to the State Corporation Commission, and secure from that body a certificate to the effect that the public interest demands such use. In this case the county, desiring to make everything absolutely legal, and not conceding the jurisdiction of the commission, petitioned that body nevertheless to pass upon this feature.

Apparent Contradiction. This placed the county in the unique position of a petitioner which desires its petition dismissed, and the respondent in the position of desiring testimony taken, with the result of a ruling on the issue involved.

Judge E. E. Montague, of Hampton, appeared for the Board of Supervisors, while Hon. Gordon Cumming, of Hampton, and Captain Samuel Regester, of Richmond, represented the corporation. After argument, the commission decided that it has no jurisdiction by which it can give a county a certificate of the necessity of acquiring a right of way over the property of a public service corporation, and the petition was accordingly dismissed. This action gives the Board of Supervisors a clear field to begin condemnation proceedings in the Circuit Court.

WRIT OF ERROR GRANTED

Supreme Court Allows Appeals in Suit for Injunction.

In the Supreme Court of Appeals yesterday a writ of error was granted in the case of James Grinels against George W. Daniel, Jr., on an appeal from the Circuit Court of Middlesex county. Grinels owns a tract of land fronting 600 yards on the Rappahannock River, from which a wharf extends to the navigable channel of the stream. Two houses were erected some years ago near the wharf for the purpose of barreling oysters, and rights were given to parties to use these buildings for that purpose, with the understanding, it is alleged, that they were to do nothing which would interfere with the business of Grinels's father, now deceased, at the shore end. Daniel now, it is alleged, conducts a mercantile business at this point, to the injury of a similar business owned by Grinels. Furthermore, it is stated that Daniel's custom is to go and fire over the lands of the petitioner and along a wharf leased solely for steamboat purposes.

An injunction asked for by Grinels was denied by the lower court, and the matter will now be threshed out in the Supreme Court. Messrs. J. R. Saunders, and Scott, Buchanan & Cardwell are counsel for the appellant.

INCENDIARY IS INSANE

Woman Convicted Through Insurance Bureau Goes to Asylum.

It was learned by the State Department of Insurance yesterday that Edmonia Fletcher, who was under indictment in the Circuit Court of Spotsylvania county for arson, has been adjudged insane and committed to a State hospital. The Fletcher woman, who is white, has lived in the family of A. W. Cheyning for fourteen years. Becoming jealous, it is supposed, because another employee was hired, she set fire to her employer's barn, and it was consumed.

At the trial on Monday the confession of the prisoner was put in evidence. The defense put experts on the stand, including Dr. DeJarnette, superintendent of the Western State Hospital for the Insane at Staunton, showing that the woman is mentally irresponsible, and that she will probably remain in such condition that she should not be allowed to go at large.

Judge Mason simply asked the members of the jury if they believed she was insane, and upon receiving their assent, remanded her to the asylum. The Bureau of Insurance, through its representative, worked up the case against the prisoner.

BRIEF IN R. F. & P. CASE

Counsel for Road Files Paper in Important Suit.

The brief of Braxton & Eggleston, representing the Richmond, Fredericksburg and Potomac Railroad, in the tax suit brought against it by the Commonwealth, have filed their brief with the clerk of the Supreme Court of Appeals. The paper contains ninety-two printed pages, and goes exhaustively into the question. The attorney-general is preparing his reply brief in the case, which will come up for hearing on January 4 or 5.

The suit involves the attempted collection of franchise taxes assessed against the railroad by the State Corporation Commission. A prominent point in the case is the interpretation and application of a clause in the Constitution of the United States, which prohibits a State from enacting

THE CHRISTMAS DINNER. In spite of the fact that the word dyspepsia means literally bad cook, it will not be fair for many to lay the blame on the cook if they begin the Christmas dinner with little appetite and end it with distress or nausea. It may not be fair for any to do that, but let us hope so, for the sake of the cook! The disease dyspepsia indicates a bad stomach—that is, a weak stomach—rather than a bad cook, and for a weak stomach there is nothing else equal to Hood's Sarsaparilla. It gives the stomach vigor and tone, cures dyspepsia, creates an appetite, and makes eating the pleasure it should be.



Order Now a Bountiful Supply of Shepherd's Charming Creams, Cakes & Candies for Your Xmas Dinner

Christmas dinner perplexities fly swiftly away, the moment you think of Shepherd's truly delightful creams, cakes and candies; you no longer fear you cannot obtain the special—the very particular—flavor or variety you must have to assure the success of that plan of yours.

Because there isn't a single flavor—an individual shape or style—or a wanted color in cream, cake or candy that can not be made and supplied to order or furnished from our regular and ever fresh stock.

Cake Suggestions

Some of the kinds you may order and know you are getting the ideal—the choicest that are:

The very finest Fruit Cake that can be made and in any size from two pounds to fifteen pounds. The fruit and nuts used together with the finest ingredients and skilled bakers surpass even the best you could make at home. Price 50 cents per pound.

POUND CAKE, from the pound for pound old Virginia receipt, the finest quality of table butter and special country eggs, lending a richness and deliciousness rarely obtained. 25c each to \$5.

OUR LAYER CAKES, such as Nut, Chocolate, Caramel, Orange, Coconut and Lemon, are famous for their fine fillings and all around goodness. Made to order in any size at 50 cents and up.

ANGEL FOOD in all sizes to order.

WEDDING CAKES, Birthday Cakes, Etc., made to order and to carry out any scheme. Small Cakes in endless variety.

CAUTION: Place your order now and let us bake it and deliver to you in plenty of time thus avoiding any anxiety.

Cream Suggestions

To help you make your order and to suggest the wide possibilities that await you:

Individual Santa Claus and Christmas Moulds for creams and ices will be exceedingly appropriate for your Christmas Dinner. Likewise, we can furnish individual moulds in many other designs.

Your special attention is directed to our Nesselrode Pudding, Maron Pudding, Lalla Rookh, Cafe Parfait, Tutti Frutti, Bisque and Pecan Ice Cream.

These Creams, Puddings and Ices are made by us by means of specially designed machinery and are the cleanest, purest and most thoroughly palatable that can be made.

In this department early ordering will prove more satisfactory. Let us have yours now.

Come by and we will suggest some things that will surprise your guests by their beauty and fitness.

Candy Suggestions

That come to you from our wonderful home-made candy kitchen. The names mentioned below are but a few of the many that you may secure if you will only mention them.

There is a charm and delight, and all around deliciousness about our old-fashioned stick candies that are absolutely pure, and carefully made, that at once recommend them to you as the choicest.

Another very popular home-made brand of ours is our Nut Taffies. While in Whitman's and Foss' well-known fine chocolates, we have Christmas boxes in any size that you may desire.

There is no gift that will be more fully appreciated or that can be more in keeping with the spirit of Christmas Holidays, than one of these brands of Chocolates in boxes like we are offering.

You can give us your order now for future delivery with the assurance that it will be carefully attended to.

Our line of Baskets filled to order are novel and the basket is kept for future use.

The Purest Goods That Can Be Made

Are these Cakes, Candies and Creams of ours—the richest ingredients—the best and the most lasting flavors—the best and cleanest of everything. But Richmond people know that for we have supplied the best trade for nearly eleven years, and our new, bright sunlit spotless factory is the monument to our earned popularity.

Shepherd's

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Fancy Cakes, Candies by Mr. Mahoney

Mr. J. B. Mahoney, who achieved such wide popularity as the designer and baker for "Pizzini," and is known by Virginia housekeepers as is Santa Claus by the children, has supervision over our cake and cream departments.

This is conclusive evidence that you will get the best thought of the age in this work.

HERE TO DISCUSS BETTER HIGHWAYS

Annual Meeting of Good Roads Association Opens This Morning.

This morning at 11 o'clock, in the auditorium of the Jefferson Hotel, the annual meeting of the Virginia Good Roads Association will be called to order. There are more than 1,100 members of this organization, residing in nearly every county in the State. These are representative citizens interested in the welfare of the Commonwealth through the building of permanent highways.

The speakers at to-day's sessions will be President Robert W. Withers, of Suffolk; Vice-President Charles T. Lassiter, of Petersburg, and State Highway Commissioner P. St. Julien Wilson. The annual reports of officers will be presented. Mr. Wilson will show the wonderful work accomplished by his department since the last meeting. There will be little set speech-making, the idea being a series of round table discussions,

which will bring out the conditions and needs in each section of the State.

A number of members of the association arrived last night.

It is anticipated that legislation will be discussed, and that a program will be adopted for presentation to the General Assembly. It is felt by many of the members that amendments to the road laws which now exist are exceedingly desirable, to meet the growth of sentiment and the steady increase in the amount of work to be done. As counties one after another fall into line and vote bond issues to build roads, more and more State aid is demanded. It is possible that Judge Mann's proposals regarding road-building will receive consideration. In

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will give the dyspeptic from many causes misery, and enable him to eat whatever he wishes. They prevent

SICK HEADACHE,
cause the food to assimilate and nourish the body, give keen appetite.

DEVELOP FLESH
and solid muscle. Elegantly sugar coated.
Take No Substitute.

his campaign he advocated the purchase by the State of rock quarries, and suggested that the taxes received from certain sources should be devoted to adding counties and magisterial districts.

HUNTING FOR HEIRS

Attorneys Held Money for Representatives of Men Who Died in 1874.

Inquiry is being made in Richmond to determine the representative or next of kin of the late Major-General Edward Johnson, United States Army, with reference to an amount said to be due to his estate. General Johnson died in Richmond on February 2, 1874.

The inquiry is in the hands of George A. and William B. King, attorneys of Washington. Examination of the records of the Chancery Court show that on February 3, 1875, Isaac T. Cooley qualified as administrator of the estate of Edward Johnson. From the small bond of \$100 it is inferred that the estate was small. It is not definitely known what amount is now due.

BLAKE ELECTED

Heads Division One of Ancient Order of Hibernians. Crowded to its capacity, was Lee Camp Hall last night at the meeting of the Ancient Order of Hibernians, Division No. 1. The presence of State Secretary John P. Flood, of Portsmouth, and State President Maurice A. Powers, of Richmond, lent added interest to the occasion, and keen enthusiasm marked the proceedings. The following officers were elected: John J. Blake, president; Willie Pinchney, vice-president; W. Enright, financial secretary; F. J. Sheehy, recording secretary; Thomas A. Reddin, treasurer; James McQue, sergeant at arms; John S. King, inside guard.

Dr. John H. Hinchman, P. V. Leonard, physicians for the division. Standing committee—M. L. Doherty, W. J. Doyle, J. E. McDonough, H. E. Griffin, D. O'Connor. Most interesting and entertaining addresses were made by State Secretary Flood, State President Powers, the Rev. Hugh J. McKeefry, of St. Patrick's, and 'Squire James E. O'Grady.

This installation of the newly-elected officers will take place on the last Wednesday night in December.

PROTEST BRICK SIDEWALKS

A delegation of citizens from Church Hill appeared before the Committee on Local Assessments last night protesting against paying for brick sidewalks laid on Marshall and Clay Streets between Thirty-first and Thirty-fourth Streets. They complained that the work was rough and not done according to contract. The committee referred the matter to the next meeting of the Committee on Streets.

THE TYPewriter EXCHANGE,
605 East Main Street.